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town to appoint a commission for establishing building lines. (1917 CONN. SP. LAWS, p. 827.) No compensation for the abutting owner was provided. The defendants disregarded a building line so established. *Held*, that the statute is constitutional. *Town of Windsor v. Whitney*, 111 Atl. 354 (Conn.). For a discussion of the principles involved in this case, see NOTES, p. 419, *supra*.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — STATUTE PLACING LIABILITY UPON OWNER OF AUTOMOBILE FOR INJURIES CAUSED BY NEGLIGENT OPERATION BY IMMEDIATE MEMBERS OF FAMILY. — The plaintiff sued for damages for injuries sustained through the negligent operation of defendant's automobile by his minor son. A statute provided that the owner of any automobile shall be liable for any injury caused by its negligent operation with the express or implied consent or knowledge of the owner. And that in event of its being driven at the time of the injury by an immediate member of the owner's family, his knowledge or consent shall be conclusively presumed. (1915, MICH. PUB. ACTS, No. 302, § 29.) The defendant offered evidence that the automobile was being driven without his knowledge and contrary to his express orders. The trial court excluded the evidence. *Held*, by an evenly divided court, that the statute is constitutional. *Hawkins v. Ermatinger*, 179 N. W. 249 (Mich.).

Powers to effectuate legitimate purposes of government, not delegated to the United States, reside in the states. Included is the so-called "police power," necessary to secure the health, safety, and welfare of their inhabitants. Any exercise of this power by a statute reasonably designed to accomplish its purpose, in a way not outrageous, is constitutional. For a judicial standard of reasonable appropriateness in the circumstances is really all that is required by the due process clause and similar language in state constitutions. It is clear that in Michigan, the home of the automobile industry, with one automobile in 1919 to every twelve inhabitants, adequate protection requires strict motor traffic regulation. And it is equally obvious that the statute in this case has a decided tendency to effect this result. The division of the court can only be explained by a unanimous decision in 1913 which declared unconstitutional a statute placing liability upon the owner for any injury caused by the negligent operation of his automobile, except where it had been previously stolen. *Daugherty v. Thomas*, 174 Mich. 371, 140 N. W. 615. Inasmuch as that statute was just as obviously constitutional as this one, we note with approval the rapidly improving attitude of the Michigan Supreme Court.

CONSTITUTIONAL LAW — POWER OF LEGISLATURE — CONTROL OF JUDICIAL PROCEDURE BY LEGISLATURES. — The rules of the Supreme Court of Indiana required the briefs of counsel to contain a concise statement of so much of the record as presented every error and exception relied upon. The State Legislature abolished this rule. *Held*, that the act was void. *Epstein v. State*, 128 N. E. 353 (Ind.).

For a discussion of this case, see NOTES, p. 424, *supra*.

CONSTITUTIONAL LAW — STATE AND FEDERAL JURISDICTION — POWER OF A STATE TO SUBJECT FEDERAL AGENCIES TO STATE POLICE REGULATIONS. — A Maryland statute made it a crime to operate a motor vehicle in Maryland without obtaining a license by submitting to examination as to competency to drive and by paying a fee of three dollars. An employee of the United States Post Office was convicted and fined for operating a government mail truck without having obtained such a license. *Held*, that the judgment be reversed. *Johnson v. Maryland*, U. S. Sup. Ct., October Term, 1920, No. 289.

Under the American constitutional system, the exclusive power to make ordinary police regulations rests in the individual states. *United States v. Dewitt*, 9 Wall. (U. S.) 41; *Barbier v. Connolly*, 113 U. S. 27. The licensing of operators of motor vehicles using its highways is a proper exercise of police power by a state. *Hendrick v. Maryland*, 235 U. S. 610; *Ruggles v. State*, 120 Md. 553, 87 Atl. 1080. On the other hand the Constitution expressly gives Congress the power "to establish Post Offices and Post roads." CONSTITUTION, Art. I, § 8. And Congress has authorized the Postmaster to provide for the carrying of mail over state roads and highways. U. S. REV. STAT., § 3965; 1918 COMP. STAT., § 7458. Hence the principal case presents the problem of a conflict between state and federal authority. It has long been settled that a state cannot tax the instrumentalities of the federal government. *McCulloch v. Maryland*, 4 Wheat. (U. S.) 316. On the same principle it seems clear that a state cannot enforce against federal agencies a police regulation which in any degree impedes or clogs the functioning of the federal government. *Ohio v. Thomas*, 173 U. S. 276; *State v. Burton*, 41 R. I. 303, 103 Atl. 962. The majority of the court properly decided that the Maryland statute did impede the federal government. *Cf. Commonwealth v. Closson*, 229 Mass. 329, 118 N. E. 653.

COVENANTS OF TITLE — COVENANT OF WARRANTY — EFFECT IN PREVENTING DESTRUCTION OF CONTINGENT REMAINDER BY MERGER. — A, by deed containing a covenant of warranty, created a life estate in B, contingent remainder in fee in B's descendants who should survive him, reversion in fee in A. X purchased B's estate. Y purchased A's estate and conveyed it to X with intent to destroy the contingent remainder. X conveyed an undivided one-fifth interest to Z. In a suit for partition between X and Z, the children of B, who is still living, intervene, and claim that the contingent remainder was not destroyed. *Held*, that the remainder was not destroyed. *Biwer v. Martin*, 128 N. E. 518 (Ill.).

For a discussion of the principles involved in this case see NOTES, p. 431, *supra*.

DAMAGES — MEASURE OF DAMAGES — FOREIGN CURRENCY — DATE AT WHICH RATE OF EXCHANGE SHOULD BE APPLIED. — A contract was made for the purchase of English goods, delivery and payment to be made in Italy. At the date of the breach the rate of exchange was 31 lire to the pound. Judgment was rendered a year later, by which time the rate was 62 lire to the pound. *Held*, that damages will be computed at the rate of exchange prevailing at the time of the breach. *Di Ferdinando v. Simon, Smits & Co.*, [1920] 3 K. B. 409.

For the discussion of the principles involved in this case see NOTES, p. 422, *supra*.

DIVORCE — DEFENSES — POSSIBILITY OF CONDONATION OF DESERTION. — In October 1917, the plaintiff's husband deserted her. Later he returned and sought to resume the marital relation but she refused to do so until he proved his good intentions by behaving properly for three months, during which period she allowed him to live in her house. After a short time, the husband seriously misconducted himself, and the wife drove him from her house. He was subsequently guilty of adultery; and in November 1919, the wife sued for a divorce under a statute which required adultery and desertion for two years as a ground for divorce. (20-21 VICTORIA, c. 85, § 27.) *Held*, that the marriage be dissolved. *Moran v. Moran*, 52 D. L. R. 339.

The court departs from authority in allowing the desertion to relate back to 1917, but the result is desirable. Since divorce for desertion is allowed only after desertion has continued for the statutory period, courts say it is improper